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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/163,402	09/30/98	SANO	N 684.2745

005514 MMC1/0613
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EXAMINER	
SCOTT JR.L	
ART UNIT	PAPER NUMBER
2881	11

DATE MAILED: 06/13/00

Please find below and/or attached an Office communication concerning this application or proceeding.

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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined. ☒ Responsive to communication filed on 2/29/00 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire THREE (3) month(s), --- days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claim(s) 1,4-8,10-15,and 17-29 are pending in the application.
   Of the above, claim(s) _____ is withdrawn from consideration.
2. ☐ Claim(s) _____ has been canceled.
3. ☐ Claim(s) _____ is allowed.
4. ☒ Claim(s) 1,4-8,10-15,and 17-29 are rejected.
5. ☐ Claim(s) _____ is objected to.
6. ☐ Claim(s) _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawing(s) under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawing(s) are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction(s), filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under 35 USC 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

The amendment filed 2/29/00 is objected to under 35 U.S.C. 132 because it introduces new matter into the specification. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In the *Abstract* the recitation:" *for producing light amplification through reflection of light between a total reflection window and an exit window,"*

Applicant is required to cancel the new matter in the response to this Office action.

Claim 1-29 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed ,had possession of the claimed invention. In: lines 3-5 of claim 1 and lines 4 and 5 of claim 20 the following has been inserted: " *for producing light amplification through reflection of light between a total reflection window and an exit window"* In claim 13 lines 3-5 the following has been inserted: " *for producing light amplification through reflection of light between a total reflection mirror and an exit window"*. It would appear that applicants are attempting to use the specification, in particular the *Abstract* ,to enter matter that was not supported by the specification as *originally* filed, thus the above insertions constitute *new matter*.

Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Since nothing has been recited which would indicated that the windows form a resonator, it is not clear how laser light is produced;

claim 1 is indefinite and incomplete. Lines :21-24 of claim 1 and lines 18 and 19 of claim 20 express a desired result while failing to recite the structure and/or means necessary to provide said result, i.e. it is not clear what a *stand-by-state* is, nor has the structure which achieves said state been recited; claims 1 and 20 are indefinite and incomplete. Further it is not clear how said in-operation state and said stand-by state are achieved simultaneously; claim 1 is indefinite and incomplete. Line 23 of claim 1 and line 19 of claim 20 are alternative in scope. Still it is not clear how a stand-by state exist in which no laser light is emitted; claims 1 and 20 are indefinite and incomplete. In claims 2 and 8 it is not clear how the control means stops the revolutions of the blower, claims 2 and 8 are indefinite and incomplete. In line 23 of claim 13 the recitation *can be* is indefinite. In line 22 of claim 13 the recitation *the substrate* lacks a clear antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 20 are insofar as definite rejected under 35 U.S.C. 102 (b) as being *anticipated* by Larson et al.

Larson et al discloses a blower motor with adjustable timing for use in a gas laser in general and an excimer in particular such that a means for monitoring and controlling the speed of the motor is provided.

Thus, since the gases in an excimer laser are generally corrosive,such a sealing feature,as that claimed would be *inherent* in the reference device. Further: (i) the discharge electrode feature,(ii) the in-operation state and the stand-by-state(see col.7 lines 59-63) are also *inherent* in the excimer of the reference device

The following is a quotation of 35 U.S.C. §103 which forms the basis for all obviousness rejections set forth in this Office action:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Claims 1,2,4-8,10-15,17-20 and 21-29 are,insofar as definite rejected under 35 U.S.C. 103 as being unpatentable over Clark et al when considered with Larson et al ,as applied above and further in view of Uemura.and McKee ,

Larson et al discloses a blower motor with adjustable timing for use in a gas laser in general and an excimer in particular such that a

means for monitoring and controlling the speed of the motor is provided. Uemura. discloses: a semiconductor exposing apparatus for exposing a wafer (i.e. a substrate) to an excimer laser light. Given the structure of Uemura, it would be obvious since both of Uemura and Clark et al are concerned with excimer lasers to substitute the exposing apparatus into the device of Clark et al such that a substrate is exposed to the excimer laser light. As to the non-exposure-operation-state in claim 13 such a feature would be *inherent* any time the substrate is not being exposed to the laser light. Clark et al discloses: a gas laser comprising a chamber for sealingly storing a lasing gas therein,and for producing light amplification through reflection of light between a total reflection window and an exit window;a discharging electrode for exciting the laser gas through electrical discharge such that the light is outputted from said chamber; a blower for circulating the laser gas so that the laser gas passing an electrical discharging region of said discharging electrode; control means for changing revolutions of said blower between (I)an in-operation state in which the laser gas is excited by the electrical discharge .Since no structure has been recited in the claims which would produce a stand-by state,it must be assumed that the stand-by state is *inherent* in the reference device. Clark et al also discloses that the gas circulating blower is coupled to the blower motor and the blower speed and power *can be changed* readily,thus it would be obvious to one of ordinary skill in the art that shutting down the blower in the *inherent* stand-by state would stop the revolutions of the blower. As to the use of F_2 :McKee discloses that the most common excimer laser transitions include F_2 XeCl,KrF,ArF,and XeF, thus it would be obvious that one of ordinary skill desiring to use F_2 would be motivated to use this teaching of McKee thereby substituting F_2 for the excimer gas of Larson et al or Clark et al . Applicant's device is obvious.

Applicant's arguments filed 2/29/00 have been fully considered but are not persuasive.

Applicant's arguments with respect to claims 1-20 have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Léon Scott Jr. at telephone number (703)308-4884.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Léon Scott, Jr.
Primary Examiner

June 8, 2000

Léon Scott, Jr.
Primary Examiner
Art Unit 2881